



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 6, 1996

Tracy B. Calabrese  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-1602

Dear Ms. Calabrese:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 100866.

The City of Houston (the "city") received a request for information concerning the arrest of a named individual.<sup>1</sup> You assert that the information at issue may be withheld from disclosure pursuant to section 552.108 of the Government Code.

Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime." and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). However, information normally found on the front page of an offense or arrest report is generally considered public. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

You state that the city has provided the requestor access to "the public release information" about the arrest. However, we note that you submitted to this office

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<sup>1</sup>The requestor also asked for civil service information concerning several police officers. You state that you have already made available the non-confidential portions of those files to the requestor.

information labeled "non-public" that appears to contain the type of information that is generally found on the front page of an offense or arrest report. *See* Open Records Decision No. 127 (1976) at 5. We have enclosed a summary of the type of information that is generally considered to be public and must be disclosed. The city may withhold from disclosure the records at issue except for the front page information. We also note that the city has discretion to release all or part of the information at issue that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy", with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 100866

Enclosures: Submitted documents  
Summary of Open Records Decision No. 127 (1976)

cc: Mr. Ray Hill  
P.O. Box 3624  
Houston, Texas 77253-3624  
(w/ Summary of Open Records Decision NO. 127 (1976))